

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

DEC 14 2006

JOHN F. CORCORAN, CLERK  
BY: *S. Sawyer*  
DEPUTY CLERK

RUSSELL LEE EBERSOLE,	)	
	)	
Petitioner,	)	Civil Action No. 7:06cv00455
	)	
v.	)	<b><u>FINAL ORDER</u></b>
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	By: Samuel G. Wilson United States District Judge

In accordance with the Memorandum Opinion entered this day, it is **ORDERED** and **ADJUDGED** that this action is **DISMISSED** without prejudice; all other pending motions are **DENIED** as **MOOT**; and this case is **STRICKEN** from the docket of the court.

Ebersole is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 60 days of the date of entry of this order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel for the respondent.

**ENTER:** This December 14, 2006.

  
\_\_\_\_\_  
UNITED STATES DISTRICT COURT